

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

JERRY LEE LEWIS, JUDITH LEWIS,  
and JERRY LEE LEWIS, III

PLAINTIFFS

V.

CIVIL ACTION NO. 3:17-CV-00180-NBB-RP

EZEKIEL ASA LOFTIN, XII,  
PHOEBE LEWIS-LOFTIN, and  
PONT NEUF, an unincorporated entity

DEFENDANTS

EZEKIEL ASA LOFTIN, XII, and  
PHOEBE LEWIS-LOFTIN

COUNTER-PLAINTIFFS

V.

JUDITH LEWIS and  
JERRY LEE LEWIS, III

COUNTER-DEFENDANTS

ORDER

Presently before the court are Plaintiffs' motions to strike as untimely Defendants' replies in support of their summary judgment and *Daubert* motions. Plaintiffs correctly assert that these replies were untimely filed. The replies, however, were filed only two days after the deadline and the delay was undisputedly due to a calendaring error on Defendants' part. Further, Plaintiffs have failed to demonstrate that they will suffer any prejudice should the court consider the untimely replies in ruling on said motions. Accordingly, the court finds that Plaintiffs' motions to strike are not well-taken and are, therefore, **DENIED**.

**SO ORDERED AND ADJUDGED** this, the 12<sup>th</sup> day of April, 2019.

/s/ Neal Biggers

**NEAL B. BIGGERS, JR.**

**UNITED STATES DISTRICT JUDGE**